

MINNESOTA SENTENCING GUIDELINES COMMISSION

Probation Revocations

Offenders Sentenced from 2001-2015 and
Revoked to Prison through 2016

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About This Report

This data report has been prepared by the research staff of the Minnesota Sentencing Guidelines Commission in fulfillment of the Commission's statutory role as a clearinghouse and information center for information on sentencing practices. This is not a policy document. Nothing in this report should be construed as a statement of existing policy or recommendation of future policy on behalf of the Commission itself, or as an authoritative interpretation of the Minnesota Sentencing Guidelines, Minnesota statutes, or case law.

Introduction

The 2016 Minnesota Sentencing Guidelines Commission Probation Revocation Report provides information about felony-level offenders sentenced from 2001 to 2015 who were revoked to prison due to probation violations through the end of 2016. A probation violation occurs when an offender's behavior or criminality violates conditions of probation, but does not result in a new felony criminal conviction for which the offender receives a prison sentence.¹ An offender's probation can be revoked if probation revocation proceedings are initiated and the court makes appropriate findings to support the revocation. The court, rather than the Minnesota Department of Corrections (DOC), makes the determination as to whether probation will be revoked.²

Offenders were tracked for revocations through December 31, 2016. Of all felony offenders in Minnesota initially sentenced to probationary sentences from 2001 to 2015, 16.5 percent had their stayed sentences revoked³ due to probation violations, and were committed to State prison.

The probation revocations in this report were analyzed in two ways. First, the revocation data were analyzed by year. That is, as each year of revocation data became available, it was added to the prior years' data to generate a cumulative revocation rate for offenders sentenced each year from 2001 through 2015. Thus, the revocation rate for 2014 shows an increase in this report from the rate that was reported last year because additional probationers who had originally been sentenced in 2014 were revoked in 2016. Second, the data were combined to present total revocation rates for the entire period. Results were broken down by judicial district, race, ethnicity, gender, offense type, departure type, and county.

This report is not intended to be a recidivism study; rather, it describes, in very basic terms, revocation data for felony offenders who were originally sentenced to probation. It is the Commission's intention to update this report annually, when new DOC and Minnesota Sentencing Guidelines Commission (MSGC) data become available for analysis. An explanation of how the Guidelines work, along with the Standard Grid and Sex Offender Grid, can be found in the Commission's report entitled *2016 Sentencing Practices: Annual Summary Statistics for Felony Offenders*, available at mn.gov/sentencing-guidelines/reports.

¹The behavior resulting in a probation revocation may include a conviction for a gross misdemeanor or misdemeanor offense. These non-felony convictions would not, in and of themselves, result in the offender going to prison because they do not carry the potential for a DOC prison sentence. However, the non-felony criminal behavior may trigger a probation revocation proceeding on a felony-level case, which may then result in a probation revocation for violating the conditions of felony probation.

² The DOC has the authority to revoke an offender who was on parole or supervised release.

³ See "Procedures for Calculating Revocations" on p. 14 for a more complete explanation of this terminology.

Data Summary

Through the end of 2016, the total revocation rate in Minnesota was 16.5 percent (Table 1 and Table 2). The majority of revocations occurred within the first two years after being sentenced (Figure 2). Revocation rates tended to be higher for offenders for whom the Guidelines had originally recommended prison (Figure 8).

American Indian offenders had their probation revoked at a higher rate (26.4%) than any other racial group (Figure 3). This may be, in part, because American Indian offenders were placed on probation for person crimes at a higher rate than other offenders during the study period. Among offense types, offenders convicted of person offenses had the highest rate of revocation at 20.4 percent, while the “other”⁴ category had the lowest at 11.7 percent (Figure 7). However, American Indian offenders had the highest revocation rates in each offense type (Figure 4).

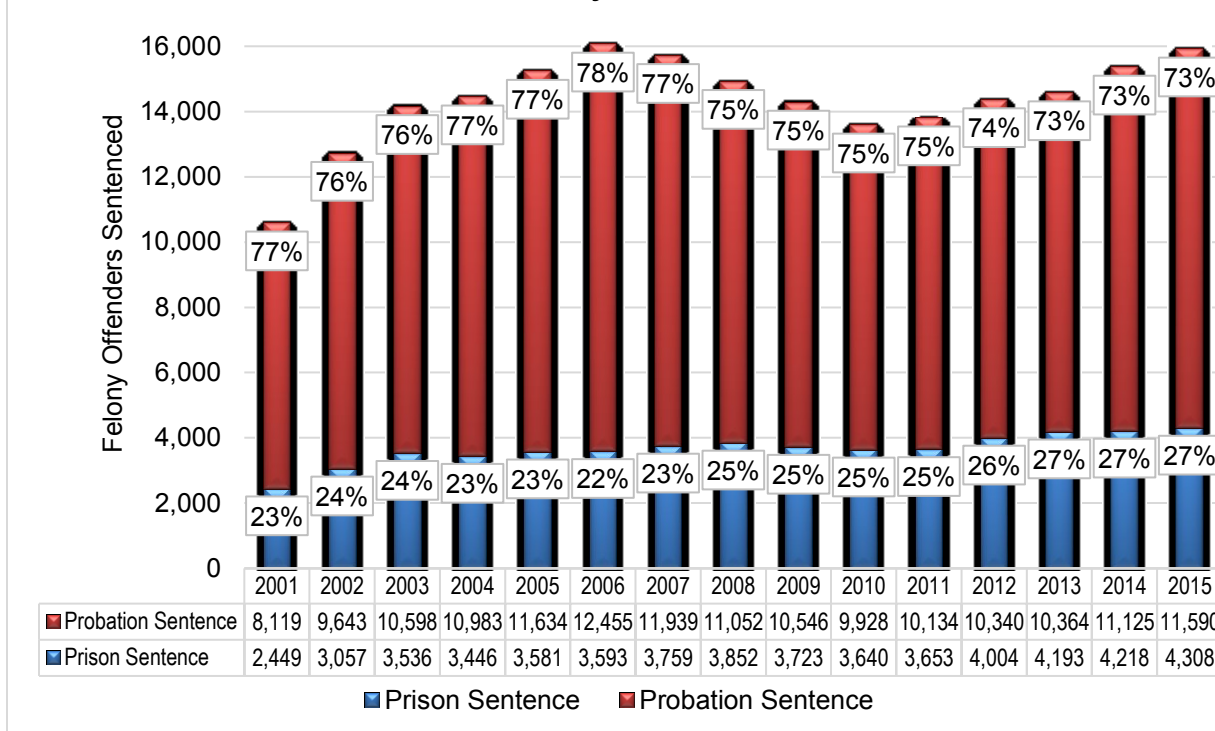
Some differences were also observed when comparing revocation rates between Minnesota’s ten judicial districts and Minnesota’s 87 counties (Figure 9 and Table 2). The First Judicial District had the lowest rate of revocation (11.3%), while the Ninth District had the highest (24.2%). Rice County, which is located in the Third Judicial District, had the lowest revocation rate (7.1%), and Beltrami County, which is in the Ninth Judicial District, had the highest revocation rate (32.3%).

Volume of Cases and Revocation Data by Year

Figure 1 illustrates the total number of offenders sentenced to prison or probation for felony convictions from 2001 to 2015. Offenders are displayed by the type of sentence received. Excluded from Figure 1 are offenders who received a misdemeanor or gross misdemeanor sentence, or fine-only sentence, for a felony offense. These offenders are not subject to imprisonment as a result of a probation violation. On average, for people who were sentenced to either prison or probation, 75 percent were placed on probation and 25 percent were committed to prison.

⁴ “Other” category includes: Fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency.

Figure 1. Number and Percentage of Felony Offenders Sentenced to Probation or Prison by Year Sentenced, 2001-2015



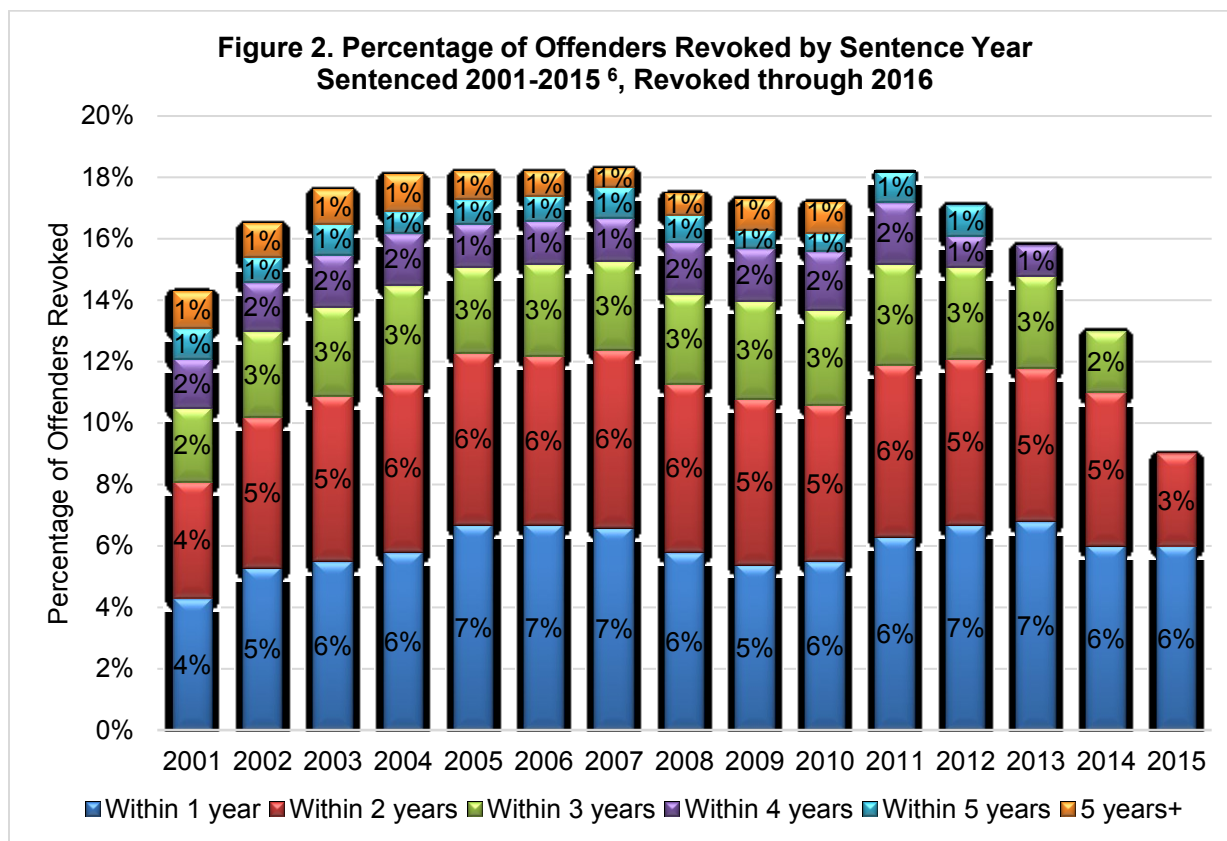
Revocation Data by Year Sentenced

In Figure 2, the revocation data are presented by year sentenced. Revocation data reported for the most recent years are incomplete. Offenders sentenced more recently have had less time at risk for revocation than offenders sentenced in earlier years. It is expected that the numbers for the more recent years will increase as more time passes, and as more data are added to this report. This report will be updated annually as data become available.

The majority of revocations occurred within the first two years of receiving a felony probationary sentence (Figure 2). In 2015, six percent were revoked within the first year of being sentenced to probation. In 2014, six percent were revoked within the first year and another five percent were revoked within the second year. Of the offenders who were sentenced to probation in 2001, four percent were revoked to prison within one year of being sentenced. Another four percent were revoked within the second year, two percent within the third year, two percent within the fourth year, one percent within the fifth year, and another one percent after five years.⁵

⁵ Because the data are not standardized to a particular timeframe for revocations e.g., tracking offenders revoked within a three-year standardized timeframe, MSGC has more data on those offenders who were sentenced in earlier years. For example, in looking at offenders originally sentenced in 2012, the data can only go back as far as “within 4 years.” As mentioned earlier, MSGC intends to continue updating this report as new DOC data become available.

⁶ For each year presented, the last data bar is incomplete. For example, in 2013, the “within 4 years” bar is only a partial year of the data. An offender sentenced in January of 2013 would fall in the “within 4 years” category if he/she was revoked at any time between January of 2013 and December of 2016, but an offender sentenced in December of 2013



Combined Revocation Data: Sentenced 2001-2015

In the figures and tables below, the revocation data have been combined to provide information on total revocations for all cases sentenced between 2001 and 2015. Through December 31, 2016, the total combined revocation rate for cases sentenced during these years was 16.5 percent.

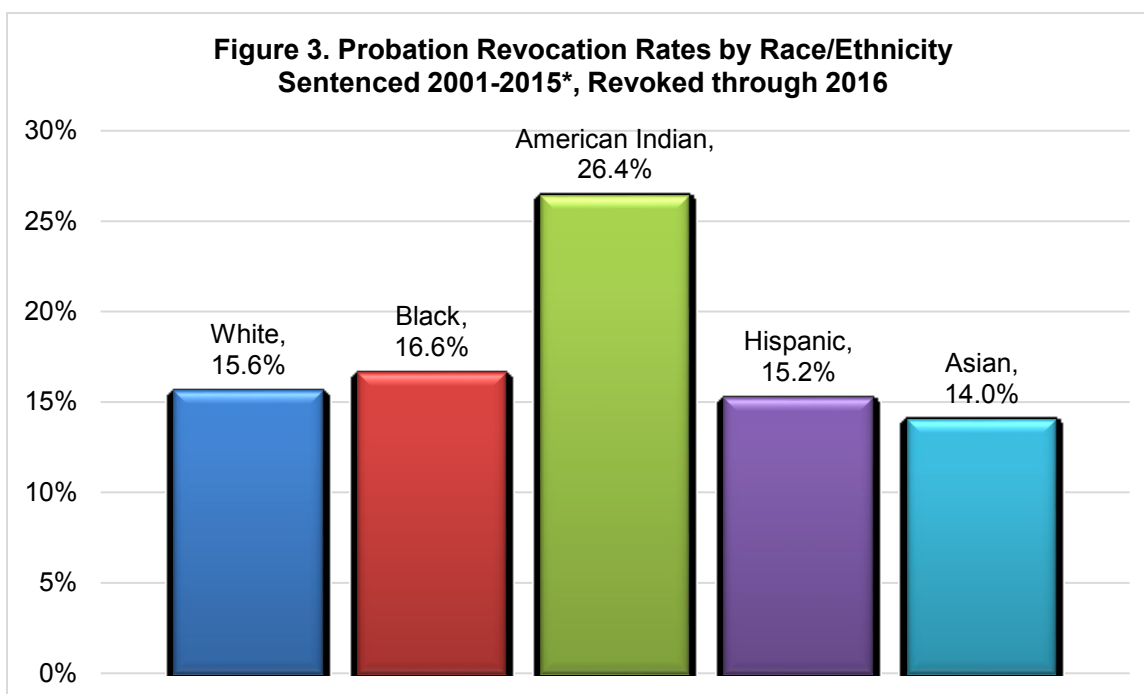
Revocation Rates by Race and Ethnicity

The racial and ethnic make-up of felony probationers remained fairly constant over this timeframe. From 2001 to 2015, 62.2 percent of felony probationers were white, 23.7 percent black, 6.5 percent American Indian, 5.2 percent Hispanic, and 2.2 percent Asian.

Figure 3 shows probation revocations by race and ethnicity. American Indian offenders have had their probation revoked at a higher rate than any other racial group. Conversely, Asian offenders have the lowest rate of revocation. Between 2001 and 2015, the average revocation rate among Asian offenders was approximately 14 percent, while the average rate for American Indian

would fall in that same category between December of 2013 and November of 2017. Since 2017 revocation data are not available, we do not have complete data for the final bar.

offenders was 26 percent. The average revocation rates for the other groups were approximately 15 percent for both white and Hispanic offenders, and 17 percent for black offenders.

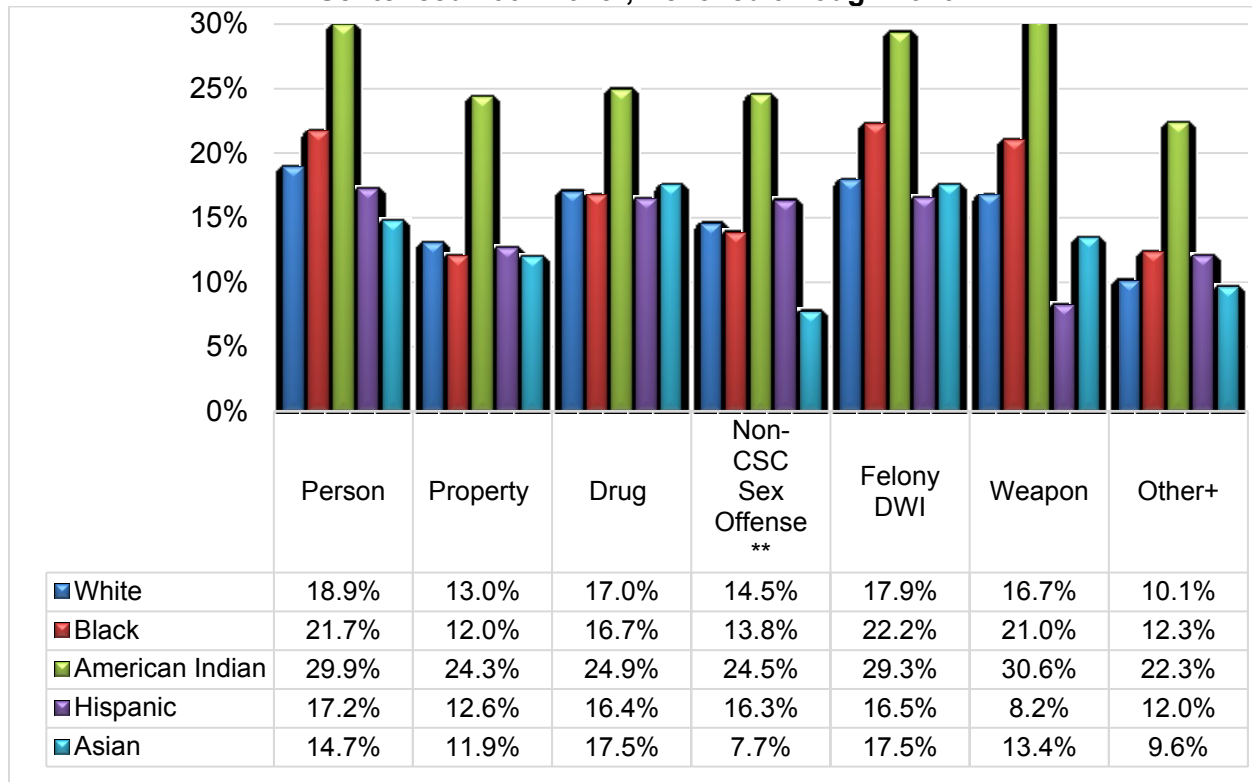


* Nineteen revoked offenders for whom race is “other” or “unknown” were excluded.

Revocation rates may be higher for American Indian offenders, in part, because of the type of offenses for which they were placed on probation. Within the timeframe of this report, a higher percentage of American Indian offenders than offenders from most other racial groups were placed on probation for person offenses, which is consistently the offense type with the highest rate of revocation (30.8%). While approximately 25 percent of all offenders who received probation between 2001 and 2015 were convicted of person offenses, 31.3 percent of American Indian offenders were convicted of person offenses.

While offense type may play a role in the higher revocation rate for American Indian offenders, it does not account for the entire disparity. When revocation rates are examined by race/ethnicity and offense type (Figure 4), American Indian offenders have higher revocation rates than other races in all offense types. The revocation rates for property offenses are particularly notable because the rates for other races are almost identical (about 12%), but the rate for American Indians is double, at 24 percent.

Figure 4. Probation Revocation Rates by Offense Type and Race/Ethnicity Sentenced 2001-2015*, Revoked through 2016



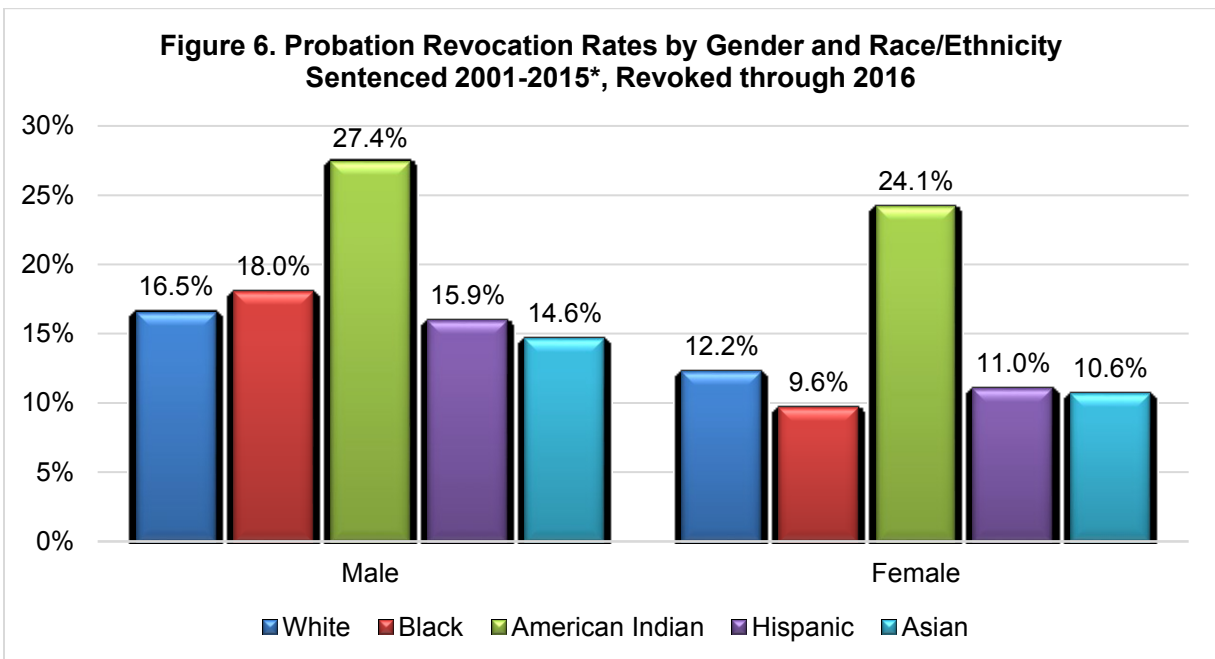
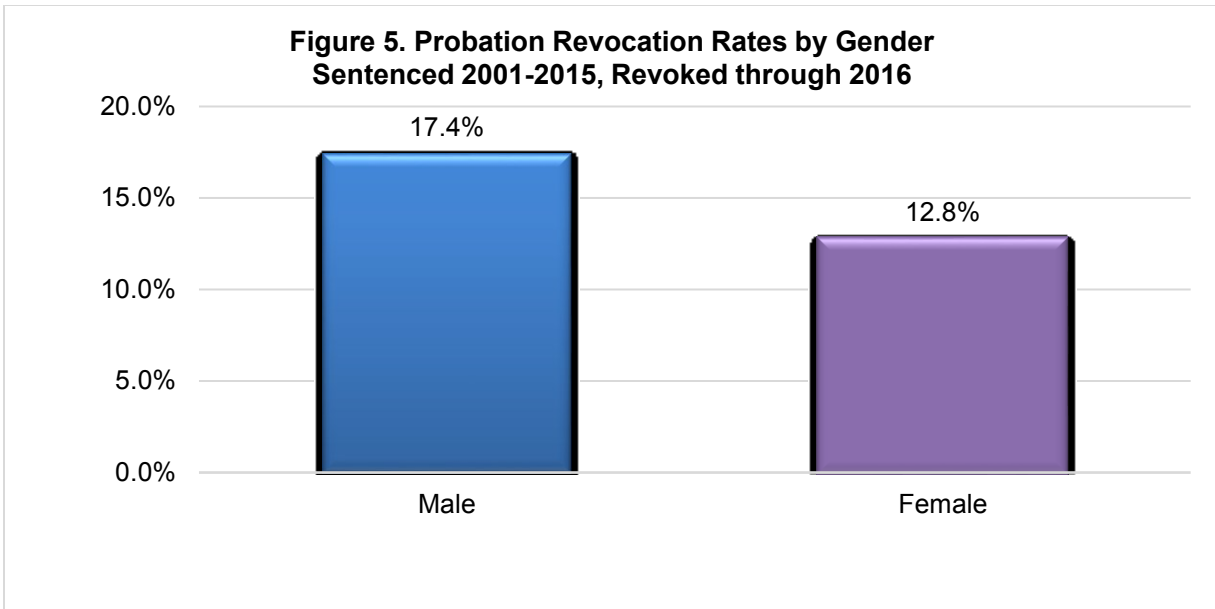
* Nineteen revoked offenders for whom race is "other" or "unknown" were excluded.

** Non-CSC sex offense is an offense on the sex offender grid other than criminal sexual conduct (chiefly failure to register as a predatory offender and possession and dissemination of child pornography).

+ Other offenses include fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency.

Revocation Rates by Gender

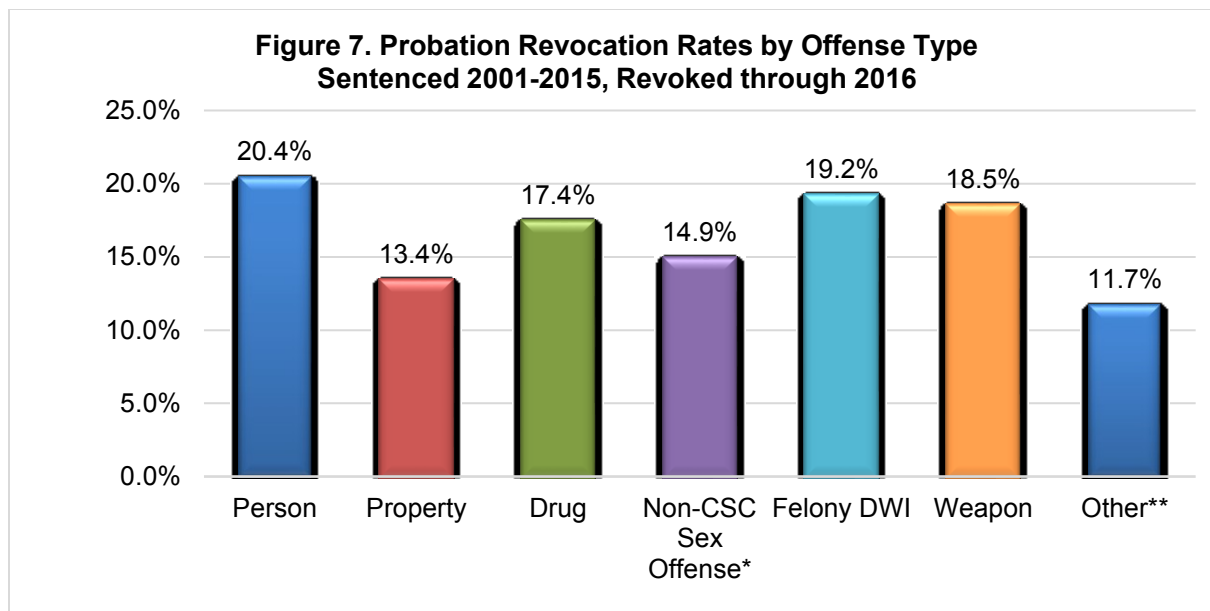
Approximately 80 percent of felony probationers are male and 20 percent are female. Figure 5 shows the percentage of offenders revoked by gender. Male offenders had a higher rate of probation revocation than female offenders (17.4% versus 12.8%). American Indian offenders had the highest revocation rates for both male and female offenders (Figure 6).



* Nineteen offenders for whom race is "other" or "unknown" were excluded.

Revocation Rates by Offense Type

Figure 7 shows the percentage of offenders revoked within each offense type. Offenders convicted of person offenses were revoked at a higher rate. Offenders in the property and "other" category were revoked at the lowest rates.



* Non-CSC sex offense is an offense on the sex offender grid other than criminal sexual conduct (chiefly failure to register as a predatory offender and possession and dissemination of child pornography).

** “Other” category includes: Fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency.

Table 1 displays revocation rates for offenses organized into general offense groups. Rather than providing the revocation rates for every felony offense, offenses were grouped for easier comparison. It is important to note that there can be variation in revocation rates within these offense groups. In the assault group, revocation rates for domestic assault by strangulation and first- through fourth-degree assaults ranged from 17 percent to 22 percent, while the revocation rates for fifth-degree assault and domestic assault were higher: 29 percent and 24 percent, respectively.

As a group, offenders convicted of criminal sexual conduct (CSC) had the highest revocation rates. Among the CSC offenses, first and second-degree CSC had the lowest revocation rate at 24 percent, while third- through fourth-degree ranged from 26 percent to 31 percent.

Possession and dissemination of child pornography and failure to register as a predatory offender are on the Sex Offender Grid, and are included in the non-CSC sex offense group in Table 1. The revocation rates for these offenses were lower than those observed for CSC offenses: 15 percent for failure to register, and 14 percent for child pornography.

Among the controlled substance offenses, there was not much variation in revocation rates—ranging from 15 percent for first-degree to 20 percent for fourth-degree. The revocation rate for fifth-degree offenses, the largest drug offense category, was 17 percent.

Among the theft offenses, the revocation rate for motor vehicle theft was 23 percent, which is much higher than the rate for theft of movable property (10%). The total rate for the general theft offense group was 11.6 percent (Table 1).

Table 1. Probation Revocation Rates by Offense Groups

Offense Type and Offense	Total Number of Probation Cases (2001-2015)	Total Number of Revocations (through 12/31/2016)	Percentage of Cases Revoked
Person	39,908	8,134	20.4%
<i>Murder / Manslaughter</i>	323	51	15.8%
<i>Assault</i>	16,650	3,133	18.8%
<i>Criminal Sexual Conduct</i>	5,203	1,404	27.0%
<i>Robbery</i>	2,807	669	23.8%
<i>Threats of Violence / Stalking</i>	12,233	2,302	18.8%
<i>Other Person</i>	3,146	446	14.2%
Property	57,229	7,657	13.4%
<i>Theft</i>	22,128	2,567	11.6%
<i>Burglary</i>	12,324	2,430	19.7%
<i>Other Property</i>	23,323	2,789	12.0%
Drug	43,210	7,500	17.4%
Felony DWI	7,042	1,354	19.2%
Non-CSC Sex Offense*	2,989	444	14.9%
Weapon	2,246	415	18.5%
Other**	7,856	918	11.7%
Total	160,480	26,422	16.5%

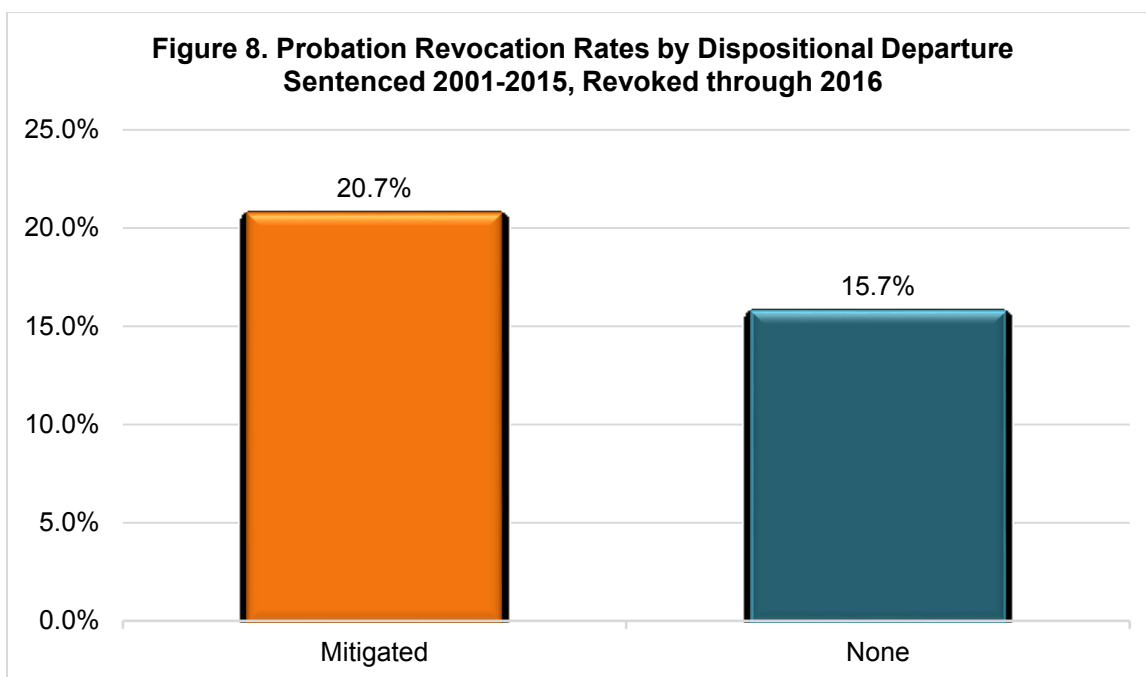
* "Non-CSC sex offense" is an offense on the sex offender grid other than criminal sexual conduct (chiefly failure to register as a predatory offender and possession and dissemination of child pornography).

** "Other" category includes: Fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency.

Revocation Rates by Dispositional Departures

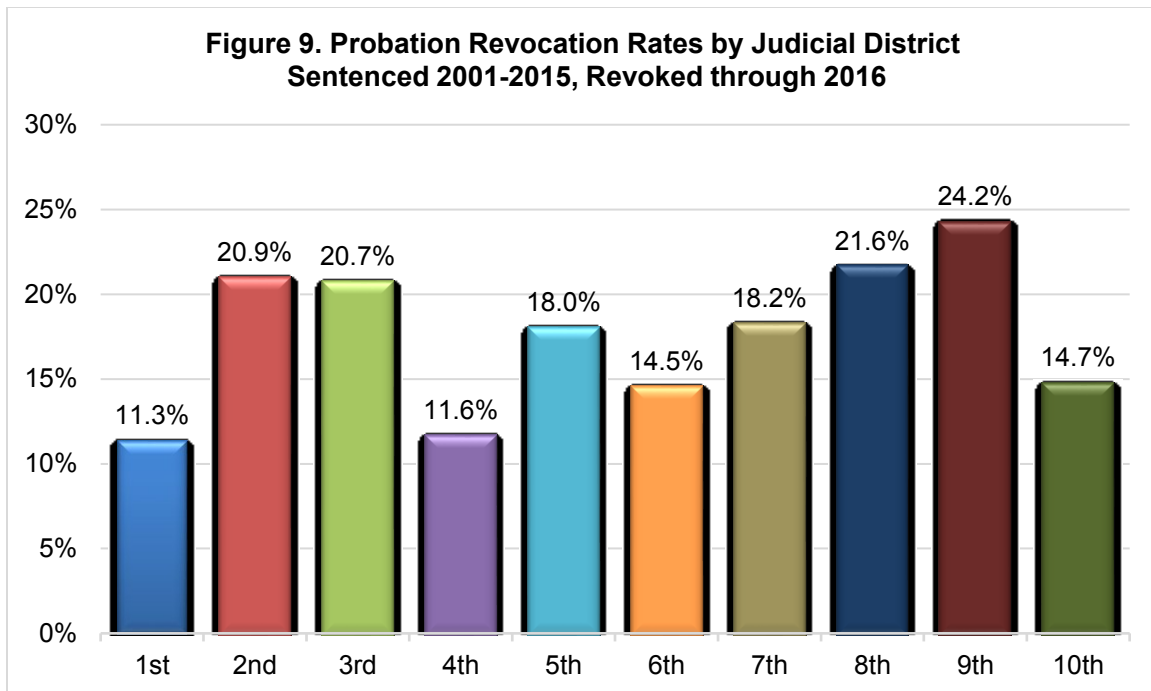
Revocation rates are higher for offenders who were originally given mitigated dispositional departures at sentencing. A mitigated dispositional departure occurs when the Guidelines recommend a prison sentence, but the court imposes a stayed probationary sentence instead. The Guidelines recommend prison for offenders who have either committed more serious offenses or who have accumulated multiple criminal history points. Figure 8 shows the revocation rate for offenders who had received mitigated dispositional departures (20.7%) compared with those who had received presumptive probation sentences (15.7%). A total 14.6 percent of the felony offenders on probation received mitigated dispositional departures. For more information

on total departure rates, see MSGC's report entitled *2016 Sentencing Practices: Annual Summary Statistics for Felony Offenders*, available at mn.gov/sentencing-guidelines/reports.



Revocation Rates by Judicial District

Figure 9 provides revocation rates by Judicial District. The Second, Third, Eighth, and Ninth Judicial Districts have the highest rates of revocation (over 20 percent), while the First and Fourth Judicial Districts have the lowest (under 12 percent). See page 15 for a map of Minnesota's ten judicial districts.



Revocation Rates by County

Table 2 displays revocation rates by county. Through the end of 2016, the total revocation rate was 16.5 percent. Rice County (in the Third Judicial District) had the lowest revocation rate (7%), and Beltrami County (in the Ninth Judicial District) had the highest revocation rate (32%).

Table 2. Revocation Data by County

County	Total Number of Probation Cases (2001-2015)	Total Number of Revocations (through 12/31/2016)	Percentage of Cases Revoked
Aitkin	593	124	20.9%
Anoka	9,221	1,377	14.9%
Becker	1,472	345	23.4%
Beltrami	1,999	646	32.3%
Benton	1,460	325	22.3%
Big Stone	96	23	24.0%
Blue Earth	1,735	303	17.5%
Brown	481	93	19.3%
Carlton	1,483	112	7.6%
Carver	1,427	109	7.6%
Cass	1,403	280	20.0%
Chippewa	306	74	24.2%
Chisago	1,426	220	15.4%

County	Total Number of Probation Cases (2001-2015)	Total Number of Revocations (through 12/31/2016)	Percentage of Cases Revoked
Clay	2,222	535	24.1%
Clearwater	334	71	21.3%
Cook	135	20	14.8%
Cottonwood	407	57	14.0%
Crow Wing	2,019	511	25.3%
Dakota	11,201	1,183	10.6%
Dodge	435	113	26.0%
Douglas	993	143	14.4%
Faribault	446	76	17.0%
Fillmore	329	65	19.8%
Freeborn	1,072	301	28.1%
Goodhue	1,478	166	11.2%
Grant	112	21	18.8%
Hennepin	30,731	3,571	11.6%
Houston	521	92	17.7%
Hubbard	597	114	19.1%
Isanti	1,268	126	9.9%
Itasca	1,836	522	28.4%
Jackson	278	46	16.5%
Kanabec	777	173	22.3%
Kandiyohi	1,603	354	22.1%
Kittson	104	13	12.5%
Koochiching	338	78	23.1%
Lac qui Parle	95	14	14.7%
Lake	319	46	14.4%
Lake of the Woods	105	11	10.5%
Le Sueur	457	62	13.6%
Lincoln	105	16	15.2%
Lyon	918	164	17.9%
McLeod	1,310	167	12.7%
Mahnomen	640	106	16.6%
Marshall	229	30	13.1%
Martin	838	223	26.6%
Meeker	457	115	25.2%
Mille Lacs	1,328	293	22.1%
Morrison	1,085	232	21.4%
Mower	1,619	469	29.0%
Murray	186	23	12.4%
Nicollet	555	114	20.5%

County	Total Number of Probation Cases (2001-2015)	Total Number of Revocations (through 12/31/2016)	Percentage of Cases Revoked
Nobles	794	83	10.5%
Norman	208	55	26.4%
Olmsted	4,414	1,070	24.2%
Otter Tail	1,573	189	12.0%
Pennington	655	83	12.7%
Pine	1,219	93	7.6%
Pipestone	255	41	16.1%
Polk	1,788	518	29.0%
Pope	207	49	23.7%
Ramsey	20,432	4,271	20.9%
Red Lake	119	17	14.3%
Redwood	759	165	21.7%
Renville	379	52	13.7%
Rice	1,569	111	7.1%
Rock	126	18	14.3%
Roseau	539	89	16.5%
St Louis	8,584	1,350	15.7%
Scott	2,998	420	14.0%
Sherburne	2,265	301	13.3%
Sibley	399	61	15.3%
Stearns	4,816	623	12.9%
Steele	1,118	192	17.2%
Stevens	138	32	23.2%
Swift	181	48	26.5%
Todd	563	114	20.2%
Traverse	74	15	20.3%
Wabasha	539	94	17.4%
Wadena	556	120	21.6%
Waseca	470	108	23.0%
Washington	5,029	936	18.6%
Watsonwan	414	72	17.4%
Wilkin	153	27	17.6%
Winona	1,450	188	13.0%
Wright	2,860	299	10.5%
Yellow Medicine	253	51	20.2%
Total (Statewide)	160,480	26,422	16.5%

Procedures for Calculating Revocations

This analysis includes felony offenders who initially received a stayed probationary sentence between 2001 and 2015. Offenders were tracked for revocations through December 31, 2016. Probation revocations are determined through a process of matching Department of Corrections (DOC) prison admission data with MSGC sentencing data.⁶ The DOC data include admissions as a result of revocations. An offender who was revoked to prison following a conviction for a new felony crime are classified by DOC as a “new admissions” and are not included in this analysis.

MSGC would like to stress the following limitations in this report:

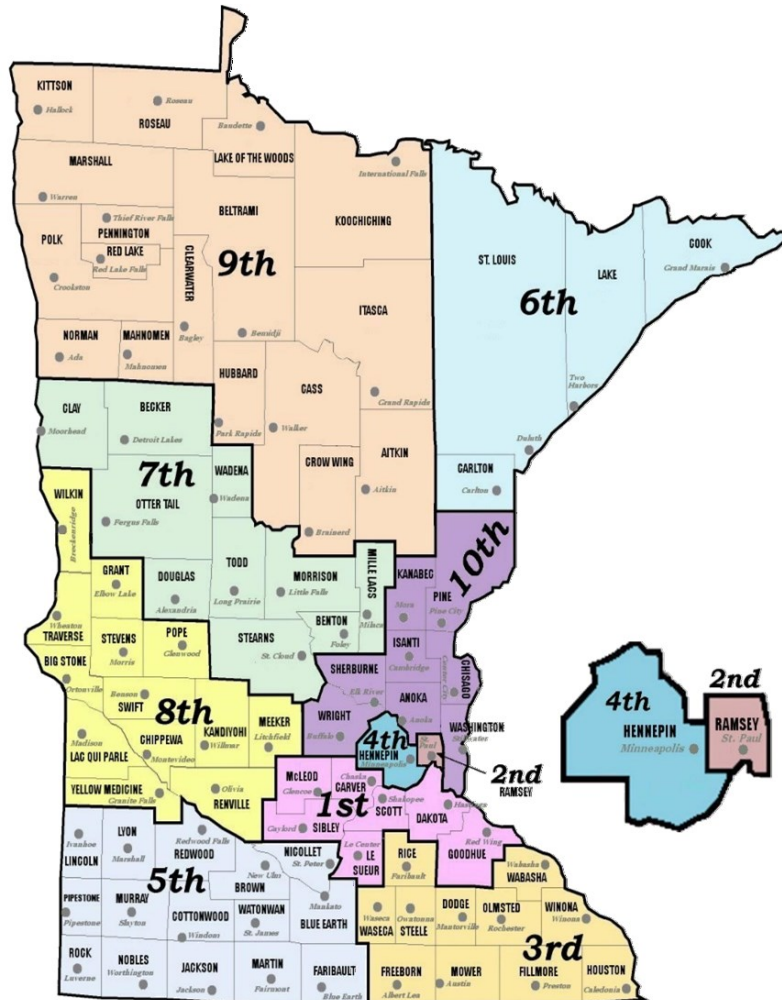
1. This is not intended to be a recidivism study. It describes, in very basic terms, revocation data for felony offenders who were originally sentenced to probation. The analysis does not statistically control for a variety of factors that may influence an offender’s success.
2. The data were not standardized: All offenders sentenced between 2001 and 2015 were tracked through December 31, 2016. Therefore, an offender sentenced to probation on January 2, 2001 is tracked for a longer period of time (Fifteen years, 11 months, 30 days), while an offender sentenced to probation on January 2, 2015 is tracked for a shorter period of time (1 year, 11 months, 30 days). It is our intention to update this report annually when new prison admissions data are available from DOC.
3. This analysis captures only revocations due to probation violations. Any revocations due to new felony commitments are excluded. This analysis does include revocations due to new misdemeanor or gross misdemeanor convictions, as well as “technical” violations, as these are all considered violations of the terms of felony probation. Also, this analysis does not account for any previous attempts by the court to “restructure” an offender’s stayed sentence before revoking it.⁷
4. MSGC recognizes that offenders are not typically “at risk” for violating terms of probation while they are confined in a jail or workhouse. In the majority of cases, some conditional confinement time was pronounced as part of the initial stayed sentence. For the offenders placed on probation from 2001-2015, the total conditional confinement rate was 88 percent.
5. Although MSGC has data for offenders sentenced in 2016, these offenders have been excluded from this report because there had not been a full calendar year in which to track them while on probation.
6. This report excludes offenders who originally had a stay of adjudication and received a prison sentence upon revocation. A stay of adjudication does not meet the definition of an initial stayed sentence, as described above, because the offender was not convicted.⁸ This report tracks revocations of probationary sentences imposed following conviction.

⁶ MSGC monitoring data are offender-based; cases represent offenders rather than individual charges. Offenders sentenced within the same county in a one-month period are generally counted only once, based on their most serious offense.

⁷ See Minn. Stat. § 609.14. Even if considered to be a revocation (of, for example, a stay of imposition), a restructuring of sentence that does not result in commitment to the Commissioner of Corrections is outside the scope of this report.

⁸ See Minn. Sentencing Guidelines § 2.D.1.e and 2.D.106.

Minnesota Judicial District Map



<u>First</u>	<u>Second</u>	<u>Third</u>	<u>Fourth</u>	<u>Fifth</u>	<u>Sixth</u>	<u>Seventh</u>	<u>Eighth</u>	<u>Ninth</u>	<u>Tenth</u>
Carver	Ramsey	Dodge	Hennepin	Blue Earth	Carlton	Becker	Big Stone	Aitkin	Anoka
Dakota		Fillmore		Brown	Cook	Benton	Chippewa	Beltrami	Chisago
Goodhue		Freeborn		Cottonwood	Lake	Clay	Grant	Cass	Isanti
Le Sueur		Houston		Faribault	St. Louis	Douglas	Kandiyohi	Clearwater	Kanabec
McLeod		Mower		Jackson		Mille Lacs	Lac qui Parle	Crow Wing	Pine
Scott		Olmsted		Lincoln		Morrison	Meeker	Hubbard	Sherburne
Sibley		Rice		Lyon		Otter Tail	Pope	Itasca	Washington
		Steele		Martin		Stearns	Renville	Kittson	Wright
		Wabasha		Murray		Todd	Stevens	Koochiching	
		Waseca		Nicollet		Wadena	Swift	Lake of the Woods	
		Winona		Nobles			Traverse	Mahnomen	
				Pipestone			Wilkin	Marshall	
				Redwood			Yellow Medicine	Norman	
				Rock				Pennington	
				Watonwan				Polk	
								Red Lake	
								Roseau	

Source: Minn. Judicial Branch.